



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.05.2022

CORAM:

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

Crl. A(MD) No.352 of 2022

Rajesh

... Appellant/Petitioner

Vs.

1.The State rep by
The Inspector of Police,
All Women Police Station,
Sellur, Madurai City.
(Crime No.16 of 2022)

... Respondent/Complainant

2.*****

...Respondent/Defacto Complainant

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to call for the records pertaining to the order dated 29.04.2022, made in Cr.M.P.No.516 of 2022 passed by the learned Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai, and to set aside the same and enlarge the appellant on bail in connection with the Crime No.16 of 2022 on the file of the Respondent police by allowing this Criminal Appeal.

For Appellant : Mr.S.Selvakumar

For R1 & R2 : M/s.M.Aasha

Government Advocate (Crl.Side)

JUDGMENT

The present Criminal Appeal has been filed to set aside the order, dated 29.04.2022, made in Cr.M.P.No.516 of 2022 on the file of the Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai.

2. The case of the prosecution is that the petitioner got married the defacto complainant and sexually abused her by using her caste name and also threatened her with dire consequences. Therefore, the first respondent registered a case against the petitioner in Cr.No.16 of 2022 for the offences under Section 5(1), 5(j) (ii) & 6 of the Protection of Children from Sexual Offences Act, 2012, Section 9 of Prohibition of Child Marriage Act, and Section 3(1) w (i) r/w 3(2) (v) of SC/ST (Prevention of Atrocities) Act.

3. While investigation is pending, the petitioner filed a petition for bail and the same was dismissed on the ground that if the petitioner is released on bail, at the stage of investigation pending, there is likelihood of absconding and the investigation will be left pending. That apart, he is incarceration for a period of more than 50 days and therefore, prayed for enlarging the petitioner on bail.



4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent and perused the materials available on record.

5. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 29.04.2022, made in Cr.M.P.No.516 of 2022 on the file of the Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai.

6. Accordingly, the Criminal Appeal is allowed and the order, dated 29.04.2022, made in Cr.M.P.No.516 of 2022 on the file of the Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai, and on further condition that:

[a] the appellant shall appear before the Principal Special Court for Exclusive trial of Cases under POCSO Act, 2012, Madurai, daily at 10.30 a.m., till the disposal of the trial;

[b] the appellant shall not tamper with evidence or witness either during investigation or trial;

[c] the appellant shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellants released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Vacation Officer/
Assistant Registrar (RTI)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)



To:-

1. The Principal Special Court for
Exclusive trial of Cases under POCSO Act, 2012,
Madurai,

2. The Inspector of Police,
All Women Police Station,
Sellur, Madurai City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.S.SELVAKUMAR, Advocate, SR.No.4982 DATED:20.05.2022

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SP (CO)

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